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PATENT

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Katie Hales
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/798,733

Attorney Docket: DP-309970

Filing Date: 03/11/2004

Group Art Unit: 3634

Applicant: Lloyd W. Rogers, Jr. et al.

Examiner: Redman, Jerry E.

Title: APPARATUS AND METHOD FOR PROVIDING MODULAR POWER
SLIDING DOOR MECHANISM

MS Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

PROVISIONAL ELECTION

Sir:

This is in response to the Office Action mailed June 13, 2006, imposing a Restriction Requirement between:

Group I, claim 31, directed to a method of installing a drive assembly; and

Group II, claims 1-30, directed to a modular drive assembly.

In response to the Restriction Requirement, Applicant provisionally elects to prosecute Group II, claims 1-30. Nevertheless, Applicants respectfully traverse the requirement.

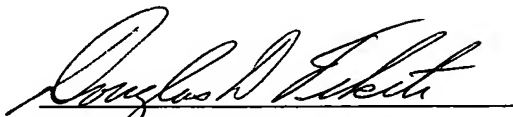
Claim 2 of Group I is directed to a modular drive assembly and calls for a plurality of mounting studs for receipt in a plurality of openings in a structural panel of a vehicle. Claim

31 of Group II calls for installing a modular drive assembly such that a plurality of mounting studs are received in complimentary openings in a structural panel of the vehicle. Even a causal read of these claims reveals that they are merely different aspects of but a single technical development. Moreover, prior art showing modular drive assembly, or the method of installing it, would be material to, and should properly be considered in examining all claims, regardless of where such art is found within the classification scheme of the Patent Office. Efficiency, both on the part of Applicants, and also on the part of the Patent Office, mandates that, where the claims have common distinctive features such as here, all claims should be examined together. The Restriction Requirement unduly burdens Applicants by requiring them to file and prosecute multiple applications, and pay fees and maintain multiple patents, to obtain the patent protection to which they are entitled.

Therefore, it is respectfully requested that the Restriction Requirement be withdrawn, and that all claims of Group I and Group II be considered in the present application.

The Commissioner is hereby authorized to charge any fees associated with this communication to Deposit Account No. 50-0831.

Respectfully submitted,



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